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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/051,547	04/07/1998	TAKAO YAMAGUCHI	MTS-2570	8127

7590 09/25/2002

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EXAMINER

WONG, ALLEN C

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 09/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/051,547

Applicant(s)

YAMAGUCHI ET AL.

Examiner

Allen Wong

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 July 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-15,17,20,21 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-15,17,20,21 and 24-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Continued Prosecution Application***

1. The request filed on 7/10/02 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/051,547 is acceptable and a CPA has been established. An action on the CPA follows.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 20 and 21 have been fully read and considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-15, 17, 20, 21 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lane et al. (5,377,051) in view of Clapp (4,562,466).

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Regarding claim 1, Lane discloses a picture coding and decoding apparatus comprising:

a picture coding apparatus including picture coding means of coding picture information and providing a picture identifier for each picture as an I, P or B picture (fig.8a, element 102 and col.25, lines 23-42, Lane discloses the identification of various data types and thus by identifying the various video data types, the picture coding method will be determined),

priority providing means of correlating each coded picture information with a priority identifier (col.25, line 54 to col.26, line 40; Lane discloses the prioritization scheme for each coded picture information with a priority identifier or "priority level" as shown in the table on col.6 where there are eight priority levels), and

transmission control means of transmitting or recording the coded picture information with the priority identifier (note fig.8a, element 109 is a transport encoder that controls what is being transmitted and how the video data is prioritized); and

a picture decoding apparatus including reception control means of receiving or reading the coded picture information (fig.9b, element 208 is the transport and priority and the priority decoder),

picture decoding means of decoding the coded picture information with the priority identifier (fig.9b, element 916), and

wherein said priority identifier is used by the picture decoding apparatus (note fig. 9B shows the "priority level" or priority identifier is used by the picture decoding apparatus 208).

Lane does not disclose the limitation of “determine whether each picture should be processed or not be processed according to a processing load or a processing capacity of the picture decoding apparatus, and said priority identifier is used independently of the picture identifier and independently of whether the picture is an I, P or B picture.” However, Clapp teaches the concept of determining whether frames should be discarded or not for maintaining sync between the transporting end and the receiving end (col.8, lines 56+; note the processing load or processing capacity of the decoder buffer is checked to determine whether it is appropriate to drop or discard frames regardless of the picture identifier or the picture type). Clearly, Clapp teaches this well known concept of discarding frames to maintain sync. Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Lane’s system with the priority identifier with Clapp’s data transmission/reception control system together as a whole for implementing picture processing according to the processing load of a terminal so as to prevent data overload on the receiving end so as to maintain a synchronous connection when receiving video information for display. Doing so would minimize data errors and discrepancies when viewing real-time video.

Note claims 10, 12-15, 20, 21 and 24-26 have similar corresponding elements.

As for claims 3-5, 11 and 17, Lane discloses the prioritization of encoded video data (see col. 25 to col. 30 where Lane elaborates on the prioritization schemes, the details of how video data is prioritized, and the importance of prioritization).

Regarding claim 6, Lane discloses the determining of the priority depending on the execution rate (col.30, lines 46-50; note “3X” is the execution rate).

Regarding claims 7 and 9, Lane discloses the prioritization of intraframe coded pictures (see chart in col.30 where "intra-coded image" are prioritized at priority level 3-4).

Regarding claim 8, Lane discloses the prioritization of interframe coded pictures (see chart in col.30 where "inter-coded image" are prioritized at priority level 5-7).


***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Wong whose telephone number is (703) 306-5978. The examiner can normally be reached on Mondays to Thursdays from 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (703) 305-4856. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Allen Wong  
Examiner  
Art Unit 2613

  
CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

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September 19, 2002